IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22559 of 2004

Between:

1.. Itlamsetti Yerranna, S/o. Late Veeranna, Hindu,
Residing at Kothalli Village, Yellamanchili Mandal, Visakhapatnam

District.
2.. Itlamsetti Atchanna, S/o. Late Veeranna, Hindu,Residing at Kothalli

Village,Yellamanchili Mandal, Visakhapatnam District.
3.. Itlamsetti Potharaju, S/o. Late Veeranna, Hindu, Residing

at Kothalli Village, Yellamanchili Mandal, Visakhapatnam District.
4.. Itlamsetti Ram Murthy, S/o. Late Veeranna, Hindu, Residing

at Kothalli Village, Yellamanchili Mandal, Visakhapatnam District.
5 ..Itlamsetti Appala Naidu, S/o. Late Veeranna, Hindu, Residing at

Kothalli Village, Yellamanchili Mandal, Visakhapatnam District.

. PETITIONER(S)

AND

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Mandal Revenue Officer, Yellamanchili Mandal, Yellamanchili, Visakhapatnam District.
3 Gram Secretary, Kothali Village, Yellamanchili Mandal, Visakhapatnam District. **...RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly a Writ in the nature of Mandamus directing the respondents not to take possession of the lands of the petitioners of an extent of Ac. 1.10 cents in S.NO. 300 of Kothali Village (formerly known as Regupalem Revenue Village) of Yellamanchili Mandal, Visakhapatnam District for providing play ground for Mandal Parishad Elementary School, Kothali Village initiating the proceedings under the Land Acquisition Act.

Counsel for the Petitioners: MR.M.S.R.SUBRAHMANYAM
Counsel for Respondent No 1 & 2.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners claim to be owners of land admeasuring an extent of Ac. 1-10 cents in Survey No.300 of Kothali village, Yallamanchili Mandal , Visakapatnam. The Petitioners further claim that they are in continuous possession and the subject land is a private property. The grievance of the petitioners is that the respondents are interfering with their peaceful possession and on 25-11-2004 the respondent officials visited the subject lands and threatened the petitioners to vacate the same for the purpose of providing play ground for Mandal Parishad Elementary School. The petitioners also got issued a notice dated 27-11-2004 to the respondents stating that the subject land is their private property and without acquiring and without following the due procedure, they cannot be evicted from the same.

Learned counsel for petitioner submitted that respondents cannot interfere with the peaceful possession of the petitioners over their private lands.

Heard learned counsel for petitioner learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to follow due process of law, including by way of negotiations for payment of compensation, if they intend to acquire the subject land of the petitioners. Till such time, status quo existing as on today shall be maintained. However, if the respondents had already followed the due procedure contemplated in law, for acquisition of the subject property or the subject land is a Government land, the respondents are at liberty to proceed further in the matter in accordance with law. No costs.

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N.V.RAMANA,J

7-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Mandal Revenue Officer, Yellamanchili Mandal, Yellamanchili, Visakhapatnam District.
3 Gram Secretary, Kothali Village, Yellamanchili Mandal, Visakhapatnam District.

4.2CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5.2CD copies